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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/743,321 Confirmation No.: 5565  
Applicant(s) : Peter ELMS  
Filed : December 23, 2003  
TC/A.U. : 3623  
Examiner : Not Yet Assigned  
  
Docket No. : 86769-0026  
Customer No. : 30398

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

### INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached Form PTO-1449, which the Examiner may deem relevant to the patentability of the above-identified application. One copy of each of the listed documents is submitted herewith.

This information disclosure statement is being filed within one of the following time periods: within three months of the filing date of this application other than a continued prosecution application, or within three months of the date of entry into the national stage of this international application, or before the mailing date of a first Office Action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under § 1.114. Therefore, no certification under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached PTO-1449. The references contained in this Information Disclosure Statement were first cited in the attached International Search Report and Written Opinion dated June 9, 2004, in counterpart International Application No. PCT/EP2004/001022.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission the listed documents are material or constitute "prior art." If the Examiner applies the documents as "prior art" against any claims in the

application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-1349. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

By: 

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Dated: September 13, 2004

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FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE (Modified) PATENT AND TRADEMARK OFFICE  INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (Use several sheets if necessary)  Date submitted: September 13, 2004				ATTY. DOCKET NO. 86769-0026	APPLICATION NO. 10/743,321 O I P E C 114 SEP 13 2004 3623 PATENT & TRADEMARK OFFICE		
				APPLICANTS Peter ELMS			
				FILING DATE December 12, 2003	GROUP		
<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER INITIAL		PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A1	6,250,548 B1	06/26/2001	McClure et al.			
<b>FOREIGN PATENT DOCUMENTS</b>							
		DOCUMENT NUMBER	PUBLISHED DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
							Yes <input type="checkbox"/> No <input type="checkbox"/>
	A2	WO 01/31589 A1	05/03/2001	WIPO			<input type="checkbox"/> X
	A3	WO 00/21041 A1	04/13/2000	WIPO			<input type="checkbox"/> X
	A4	WO 01/39049 A1	05/31/2001	WIPO			<input type="checkbox"/> X
	A5	WO 02/43326 A1	05/30/2002	WIPO			<input type="checkbox"/> X
	A6	1 001 386 A1	05/17/2000	Europe			<input type="checkbox"/> X
<b>NON PATENT LITERATURE DOCUMENTS</b>							
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), Title of the item (book, magazine, journal, serial symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.					
	A7	International Search Report and Written Opinion dated June 9, 2004 for International Application No. PCT/EP2004/001022					
EXAMINER					DATE CONSIDERED		
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							